

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

ALFREDO VASQUEZ-HERNANDEZ and  
TOMAS AREVALO-RENTERIA,  
Defendants.

Case No. 09 CR 383

Chicago, Illinois  
November 20, 2013  
10:27 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

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1 (Proceedings heard in open court:)

2 THE CLERK: 09 CR 383, United States versus Alfredo  
3 Vasquez-Hernandez and Tomas Arevalo-Renteria.

4 THE COURT: Good morning.

5 MR. SHAKESHAFT: Good morning, your Honor. Tom  
6 Shakeshaft on behalf of the United States.

7 MR. HERNANDEZ: Good morning, your Honor. Arturo  
8 Hernandez on behalf of Mr. Vasquez-Hernandez he's on his way  
9 into court to be assisted by the court interpreter.

10 MR. BRAYMAN: Paul Brayman and Lisa Wood also on  
11 behalf of Mr. Vasquez-Hernandez. Good morning, your Honor.

12 THE COURT: Good morning.

13 MR. CHERONIS: Good morning, your Honor. Damon  
14 Cheronis on behalf of Mr. Arevalo-Renteria who's present.

15 THE COURT: Okay.

16 THE INTERPRETER: Good morning, your Honor. Jose  
17 Pina, P-i-n-a, Spanish interpreter.

18 THE COURT: Okay. Let's swear in our interpreter.

19 (Interpreter sworn.)

20 THE COURT: Okay. So I have before me now, not  
21 surprisingly, an unopposed motion to continue the trial date  
22 where Mr. Brayman has flushed out more of this conflict with  
23 the case of People versus Brent Betterly.

24 I will tell you that after carefully considering it,  
25 I will reluctantly move my trial date into February. That's

1 the best that I can do. So will you be free February 18th?

2 MR. BRAYMAN: Judge, I'm in a case before Judge Tharp  
3 that's supposed to start --

4 THE COURT: See, let me just tell you this, if this  
5 is going to be the problem, then we're going to hold the trial  
6 date. So those are going to be your choices because I'm not  
7 going to play any other game with these defendants.

8 MR. HERNANDEZ: Just for the record, your Honor,  
9 could we have the end of February? I am --

10 THE COURT: Let me just tell you, this is not a movie  
11 theater where you just come to whatever showing you want.  
12 This is not the way it works here.

13 MR. HERNANDEZ: Absolutely.

14 THE COURT: So it's February 18th or it's January  
15 21st. Those are the options. It's either A or B.

16 THE CLERK: You have a new panel on the 24th.

17 THE COURT: What?

18 THE CLERK: You have a new panel on the 24th.

19 THE COURT: I think we're going to get a special  
20 panel for this group.

21 MR. HERNANDEZ: The reason I was going to say, your  
22 Honor, I had a personal reason, I had some medical issues that  
23 I was tending to. I advised the Court earlier in the  
24 proceedings, and then --

25 THE COURT: See, this is the road that I don't want

1 to go down of as soon as you start moving dates, everybody's  
2 got problems. That's a road that I cannot go down, gentlemen.

3 So I'm willing to accommodate this reluctantly, but  
4 I'm easily going to be here January 21st and ready to go. So  
5 do you want this continuance or do you not?

6 MR. BRAYMAN: Judge, if those are the two choices,  
7 I'll take B.

8 MR. CHERONIS: Your Honor, I --

9 THE COURT: See?

10 MR. CHERONIS: Well, I didn't bring the motion. I  
11 didn't have an objection to it. I do have a trial that is  
12 starting before Judge Feinerman that was already continued  
13 once. My client's out of custody, but it's a case that --

14 THE COURT: Well, we've got two defendants in custody  
15 for how long?

16 MR. CHERONIS: No, I understand, your Honor. I'm not  
17 quarreling with the Court. I understand your position. It's  
18 just that I have a case -- I have a case that's going  
19 March 3rd, and I don't know if Judge Feinerman would be  
20 willing to move that case, but I don't think I can ask him  
21 again.

22 THE COURT: You don't think we'd be done by then?

23 MR. CHERONIS: I don't know. I mean, if we would be  
24 done, I think that if this case starts the 18th --

25 THE COURT: I think we'd be done.

1 MR. SHAKESHAFT: Your Honor, the only -- I'm happy  
2 either time. The government will be ready to go.

3 I -- there is one beyond-just-scheduling-with-counsel  
4 issue that I did want to bring to your Honor's attention,  
5 which is that there is -- we anticipate, the government  
6 anticipates calling a couple of additional witnesses who I  
7 have -- principally with relation to Mr. Vasquez who I have  
8 known about and generically informed counsel about since the  
9 spring.

10 THE COURT: Okay.

11 MR. SHAKESHAFT: They are in other districts that I  
12 do not control.

13 I have been informed -- and I have yet to be  
14 authorized to disclose their identities or -- or information  
15 that would go to -- that would allow them to be identified.

16 I expect that to come by the end of this month or in  
17 early -- I was already prepared to ask your Honor for a  
18 one-week extension. I set a self-imposed, having your Honor  
19 set a December 6th deadline for the disclosure.

20 THE COURT: Right.

21 MR. SHAKESHAFT: These two witnesses go to just about  
22 all of the filings, the 404(b), the supplemental Santiago  
23 proffer. On top of the fact that I am not yet in possession  
24 of -- they are in other districts controlled by other agents.

25 I think it's only a week, but I share your Honor's

1 desire to, when we do go to trial, make this as fair and  
2 efficient as possible, and I don't want to be delaying  
3 discovery any more than necessary.

4           So I didn't oppose Mr. Brayman's motion on his -- on  
5 the basis of his schedule. I am a little -- I do see some  
6 pretrial litigation coming, your Honor. You were correct two  
7 weeks ago saying there were no pending motions before you, but  
8 we had set the December 6th deadline that will involve, I  
9 don't yet know what the defendants' positions are, for  
10 example, on the Santiago proffer if they have any objection to  
11 that.

12           There may be litigation over the 404(b), the  
13 admissibility of that, and I expect there will be some  
14 litigation over the substance and scope of cross-examination  
15 of some of the government's witnesses. It should come as no  
16 great surprise that the organization that is involved here,  
17 there's some baggage with the witnesses.

18           I, we can -- we can go January 21st and the  
19 government will be ready; but I'm trying to be fair to defense  
20 counsel here over witnesses that I don't control. So for  
21 those reasons, I think if we can do February 18th, I think it  
22 inures to everybody's benefit so we're not completely -- I'm  
23 trying to be fair to the defense counsel here as well as your  
24 Honor's schedule.

25           So that's the only additional consideration that the

1 government would add substantively as to certain discovery  
2 that the government may need another week to accommodate; and  
3 if we kick the trial date by a month, I think that gets rid of  
4 the issue.

5 THE COURT: So if it's February 18th, that  
6 automatically is going to kick the date, right?

7 MR. SHAKESHAFT: Well, not -- I'm holding myself to  
8 the December 6th deadline. If I am allowed to --

9 THE COURT: Okay.

10 MR. SHAKESHAFT: I've told counsel, I will produce  
11 discovery as soon as I have it available.

12 THE COURT: Okay.

13 MR. SHAKESHAFT: I'm not withholding it for any -- I  
14 represent that both to the Court and to counsel. This is  
15 really an issue of --

16 THE COURT: Okay.

17 MR. SHAKESHAFT: -- the international  
18 interjurisdictional aspect of it.

19 THE COURT: Got it.

20 Well, I thought I was coming out here with good news  
21 for you that I'm willing to continue the trial date. It's  
22 totally different than the position I took last time, but I'm  
23 sensing, you know, a problem with February 18th.

24 MR. BRAYMAN: Judge, I don't -- I guess if those are  
25 the only two choices, I'm just asking you to consider, you



1 know, my being in private practice, I'm going to be on trial  
2 in that NATO case starting January. It's probably going to  
3 last a month.

4 THE COURT: Right.

5 MR. BRAYMAN: And to get ready for this case, you  
6 know, by February 18th puts an enormous burden on me and to  
7 try that case, which will probably last a month.

8 I just know other counsel in this case, you know, are  
9 available, you know, April, and I would just ask your Honor to  
10 at least give me some consideration for preparing for this  
11 case, rather than just trying to do it at the last minute,  
12 which really isn't fair to the defendant.

13 And, you know, I know -- I don't know what your  
14 Honor's trial schedule is, but that would certainly be an  
15 accommodation to me, not to have to be under that kind of  
16 pressure to try a case all of January and probably going into  
17 February and then have to get ready for this case.

18 THE COURT: Well, let me just peek at this. If I  
19 started the trial on March 10th, is that going to pose  
20 problems?

21 MR. BRAYMAN: Judge, any date that you go further out  
22 poses less problems obviously, and if March 10th is an option,  
23 I would certainly ask for that March 10th date if that's the  
24 only option at this point.

25 MR. CHERONIS: If I could just interject, your Honor?

1 THE COURT: Yes.

2 MR. CHERONIS: I'm trying to be as quiet as possible.

3 THE COURT: Right.

4 MR. CHERONIS: My only issue is I'm starting a jury  
5 trial in front of Judge Feinerman. It's a public corruption  
6 case with Mario Moreno and Ambrosio Medrano are the  
7 co-defendants. I did speak with Mr. Stetler obviously prior  
8 as to what the trial schedule would be. He thinks it's going  
9 to be probably over a week. I know that I plan on presenting.

10 THE COURT: That starts when?

11 MR. CHERONIS: We are picking the jury on Monday,  
12 March 3rd, and I know I'm presenting a case, which I don't  
13 always do, but I am presenting a case. We'll see how in-depth  
14 it is.

15 And then I would find myself, and I understand the  
16 Court's issues, but then I would find myself exactly in the  
17 position Mr. Brayman's in, trying two pretty large  
18 back-to-back trials. I'm also in private practice. So I just  
19 want to raise that to the Court's attention.

20 And I don't know if Judge Feinerman would have an  
21 issue even moving that again based on the fact that my  
22 client's not in custody; but I would be, I think, in some hot  
23 water to walk into the court and try to seek another  
24 continuance before Judge Feinerman. I'm just bringing to your  
25 attention, your Honor.

1 MR. SHAKESHAFT: I'm cognizant of everybody's issues,  
2 your Honor, and most of all your Honor's schedule. If the  
3 defense counsel were asking for a summer or a fall trial date,  
4 I would object because I am cognizant --

5 THE COURT: That's a nonstarter.

6 MR. SHAKESHAFT: Yeah, understood, understood.

7 THE COURT: Totally a nonstarter, so you're setting  
8 up a false argument.

9 MR. SHAKESHAFT: I'm not trying --

10 THE COURT: Okay?

11 MR. SHAKESHAFT: -- at this point --

12 THE COURT: The best I can do to accommodate all the  
13 concerns -- I think, you know, I'm jammed in with these trial  
14 dates, so we'll go with February 17th. That's all I can do.  
15 Either way, somebody's going to lose.

16 MR. HERNANDEZ: I thought the Court mentioned March.  
17 If we could have March, it would be appreciated, your Honor.

18 THE COURT: Yeah, it would be appreciated, but not  
19 for Mr. Cheronis who's got this other trial. That's the  
20 problem. So I'm trying to navigate these waters, which all  
21 started by an unopposed motion that I'm willing to grant  
22 because I'm more than happy to just stick to January 21st.

23 But I think given all the considerations, I don't  
24 think it's unfair to proceed on February 17th, so that's what  
25 we're going to do.

1 MR. SHAKESHAFT: Your Honor, if I may indulge the  
2 Court simply for a one-week extension to -- from December 6th  
3 to December 13th.

4 THE COURT: Okay.

5 MR. SHAKESHAFT: I would phrase it this way, for the  
6 initial production of if I do run into an issue that there --  
7 I can't -- I don't want to do a Santiago proffer piecemeal.  
8 There's an 80-page one that already is.

9 THE COURT: Okay.

10 MR. SHAKESHAFT: So I will -- I will file everything  
11 before December 13th unless I've not been authorized to do so,  
12 in which case would it be acceptable to your Honor if I need,  
13 for example, one more week in light of just to get an agreed  
14 motion and put it on file to take it to the 20th? I don't  
15 want to go into next year in terms of producing this stuff.

16 THE COURT: Well, I'm not going to prejudge that, but  
17 at this point, there's no pending motions in this case. Do  
18 you understand that?

19 MR. SHAKESHAFT: I -- there's none that are ripe for  
20 your Honor's consideration. They are -- but those, the  
21 Santiago proffer is a motion. It is a proffer which counsel  
22 is entitled to object to. There will be notice of the 404(b)  
23 that will be coming, so --

24 THE COURT: I think you're missing my point. There  
25 are no pending motions right now. Is that the case or not?

1 MR. SHAKESHAFT: Well, there are the discovery  
2 motions that we have held in abeyance, so there are  
3 technically pending motions that are not ripe for your Honor.  
4 So as a technical matter, there are pending motions.

5 I would suggest to your Honor that also for  
6 continuity of counsel, but there are technically pending  
7 motions. So for speedy trial purposes, I would just -- I  
8 would ask that at least that time be excluded through the 6th  
9 when there will be additional things filed that are pending.

10 THE COURT: Is there any objection to time being  
11 excluded until December 6th?

12 MR. CHERONIS: There is not, your Honor.

13 MR. HERNANDEZ: No objection.

14 THE COURT: Okay. I will exclude time to  
15 December 6th. I'm going to set a status. I think we need  
16 another status on December 11th to see what gets filed.

17 THE CLERK: You'll be in New York.

18 THE COURT: Okay. We'll make it December 12th. What  
19 time are we available then?

20 THE CLERK: 10:00 o'clock in the morning.

21 THE COURT: Okay. There's no re-entry at that point  
22 because that will be the 5th?

23 THE CLERK: The 5th.

24 THE COURT: Okay. December 12th at 10:00 a.m.

25 MR. SHAKESHAFT: And I'd just ask that time be

1 excluded through the 12th so that I can --

2 THE COURT: Time will be excluded till the 12th.

3 MR. CHERONIS: And, your Honor, the last thing I'd  
4 like to ask for, if I could, or ask the government, I guess, I  
5 believe Mr. Shakeshaft has mentioned this, but their expected  
6 trial length because based on -- I believe the 17th is a court  
7 holiday. If we pick --

8 THE COURT: Okay. We're going on the 18th.

9 MR. CHERONIS: Okay. I'm sorry. So that's a  
10 Tuesday.

11 THE COURT: Right.

12 MR. CHERONIS: I know this case, I know how many  
13 witnesses they're going to call, I know the cross-examination  
14 of the two main witnesses are going to last a long time. It  
15 appears that I'm going to have to file a motion to continue in  
16 front of Judge Feinerman because I do not see this case,  
17 respectfully, ending by March 3rd. I believe Mr. Shakeshaft  
18 had told me at least once that it was potentially two to three  
19 weeks of trial with two defendants.

20 THE COURT: I think that's a fair request.

21 MR. SHAKESHAFT: I -- I always -- I emphasized the  
22 word "potential." I do think that a hefty part of this case  
23 is going to be the length of the cross of certain of these  
24 witnesses --

25 THE COURT: Okay.

1 MR. SHAKESHAFT: -- which I can never predict. This  
2 case will involve right now I would estimate between 8 and 10,  
3 maybe 12 witnesses. There are some -- there are recorded  
4 calls, some of which are lengthy, but it is not a case that's  
5 heavy on phone records and other kinds of things.

6 So two to three weeks with that leeway I think is  
7 right, depending on, you know, if we go full trial days.  
8 Would your Honor anticipate sitting on Fridays?

9 THE COURT: Yes. And, yes, I would anticipate full  
10 trial days.

11 MR. SHAKESHAFT: Then with luck, two weeks, giving  
12 myself the out of leaking into a third and also --

13 THE COURT: And that's the problem.

14 MR. CHERONIS: I mean, it's a very considerable  
15 problem for me, your Honor. I prepare for all my cases  
16 throughout the year. I certainly don't wait, you know, until  
17 the last minute, as none of my co-counsels do.

18 The case with Judge Feinerman is a complicated case.  
19 I guess I'm just going to have to file a motion to continue if  
20 this 18th is a firm date. I don't know what else to do. If  
21 he denies that --

22 THE COURT: Then you'll be back here.

23 MR. CHERONIS: -- I'm going to be in some trouble.  
24 Trouble I didn't ask for, I might add, your Honor, but trouble  
25 nonetheless.

And I'll talk to the government regarding that and probably have to order a transcript of this hearing, but, you know, I guess that's where I stand.

But I don't see this case ending in two weeks, even picking a jury in a case like this.

THE COURT: Maybe we'll get more information at the next status hearing. That's all I can tell you. I'm sympathetic toward your situation, and we'll see what we can do.

But I will exclude time until the 12th at 10:00 a.m.  
Thank you. The trial is continued to February 18th.

MR. SHAKESHAFT: Thank you, your Honor.

THE COURT: Thank you.

(Which were all the proceedings heard.)

# CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/Kathleen M. Fennell/

November 26, 2013

Kathleen M. Fennell  
Official Court Reporter

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Date

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